

**LAW OFFICES OF MARTIN E. RESTITUYO, P.C.**  
1345 Avenue of the Americas, 2<sup>nd</sup> Floor, New York, New York 10105

Martin E. Restituyo  
Tel: 212-729-7900  
Fax: 212-729-7490  
[restituyo@restituyolaw.com](mailto:restituyo@restituyolaw.com)

October 30, 2018

**BY ECF**

Honorable Loretta A. Preska  
United States District Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *Brens. et al. v. Morelia Mexican Rest. Inc., et al*, 1:16-cv-07073

Your Honor,

This firm represents Defendants in the above-referenced matter. As we did last time, we write in opposition to Plaintiff's continued requests for extensions of this case.

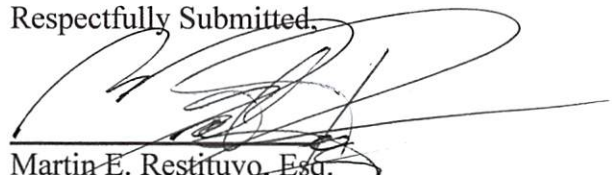
While we may be sympathetic to Mr. Androphy's conflict of schedule, tomorrow's conference was scheduled with several weeks of anticipation and we are also aware that Mr. Androphy is not the only member of his firm that can make an appearance in an FLSA case.

A more serious concern, however, is that we have not made any significant progress with respect to the settlement agreement, because we are still nitpicking over minor points, and we have a growing concern that this strategy is being employed as a delay tactic because counsel cannot obtain the Plaintiff's signature.

Thus, rather than continue to waste judicial time and resources, we respectfully request that the Court deny Mr. Androphy's request for yet another extension and require the Plaintiff to appear in court to resolve this matter. In the alternative, we respectfully submit that this matter must be dismissed.

We thank the Court for its time and attention to this case.

Respectfully Submitted,



Martin E. Restituyo, Esq.  
Counsel for Defendants

Cc: Joshua S. Androphy, Esq.